

he explained the substitute for the pending Committee Amendment.

Question—Shall the substitute by Senator Aikin for the pending Committee Amendment as amended be adopted?

#### Reason for Vote

I voted to suspend the rules in order to take up and consider H. B. 334 because it is imperative that we begin debate and consideration of a tax bill. I would not vote for the bill in its present form, but intend to vote for a more equitable substitute.

SCHWARTZ

#### Welcome Resolutions

S. R. No. 486—By Senator Moffett: Extending welcome to Mr. Jack Lacy et al. of Vernon and Mr. Rex Sullivan et al. of Quanah.

S. R. No. 488—By Senator Rogers: Extending welcome to Alf Lyngra of Oslo, Norway.

S. R. No. 489—By Senator Aikin: Extending welcome to students and teachers of graduating class of Deport High School.

S. R. No. 490—By Senator Herring: Extending welcome to students and teacher of Highland Park School of Austin.

S. R. No. 491—By Senator Dies: Extending welcome to David Henderson, Carey Williams and Wesley Neal.

#### Memorial Resolution

S. R. No. 485—By Senator Willis: Memorial resolution for Dr. George A. Schenewerk.

#### Recess

Senator Smith moved that the Senate stand recessed until 10:00 o'clock a.m. tomorrow.

Question on the motion to recess, yeas and nays were demanded.

The motion prevailed by the following vote:

#### Yeas—16

Baker	Fuller
Calhoun	Hardeman
Creighton	Hazlewood
Dies	Hudson

Lane  
Parkhouse  
Ratliff  
Reagan

Roberts  
Rogers  
Secrest  
Smith

#### Nays—13

Aikin  
Colson  
Crump  
Gonzalez  
Herring  
Kazen  
Krueger

Martin  
Moffett  
Owen  
Patman  
Schwartz  
Willis

#### Absent

Moore

Weinert

Accordingly, the Senate at 10:40 o'clock p.m. took recess until 10:00 o'clock a.m. tomorrow.

#### SIXTY-SIXTH DAY

(Continued)

(Wednesday, May 17, 1961)

#### After Recess

The Senate met at 10:00 o'clock a.m., and was called to order by the President.

#### Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled resolutions:

S. C. R. No. 61, Recalling S. B. No. 414 from the Governor for further consideration.

S. C. R. No. 63, Recalling S. C. R. No. 42 from the Governor's Office for further consideration.

#### Senate Concurrent Resolution 66 on First Reading

Senator Dies moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a resolution, the provisions of which he explained.

The motion prevailed by the following vote:

#### Yeas—27

Aikin	Creighton
Baker	Crump
Calhoun	Dies
Colson	Fuller

Gonzalez	Parkhouse
Hardeman	Patman
Hazlewood	Ratliff
Herring	Reagan
Kazen	Schwartz
Krueger	Secrest
Lane	Smith
Martin	Weinert
Moffett	Willis
Owen	

## Absent

Hudson	Roberts
Moore	Rogers

The following resolution was then introduced, read first time and referred to the committee indicated:

S. C. R. No. 66, Authorizing Board of Directors of Agricultural and Mechanical College of Texas to construct, equip and acquire buildings and improvements for Texas Forest Service from sale of bonds.

Whereas, Section 18 of Article VII of the Constitution of Texas provides a method of payment for the purpose of constructing, equipping, or acquiring buildings or other permanent improvements for the Texas Agricultural and Mechanical College System; and

Whereas, Section 18 of Article VII provides that no building or other permanent improvement shall be acquired or constructed thereunder for use by any part of the Texas Agricultural and Mechanical College System, except at and for the use of the general academic institutions of said System, namely the Agricultural and Mechanical College of Texas, Arlington State College, Tarleton State College, and Prairie View A. and M. College, without the prior approval of the Legislature or of such agency as may be authorized by the Legislature to grant such approval; and

Whereas, The Board of Directors of the Agricultural and Mechanical College of Texas is desirous of constructing, equipping and acquiring of buildings and other permanent improvements for the Texas Forest Service; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House concurring, that the Board of Directors of the Agricultural and Mechanical College of Texas be, and it is hereby given approval in conformity with Section 18, Article VII, Constitution of Texas,

from the proceeds of sale of bonds authorized by this section, to construct, equip, acquire buildings and improvements necessary thereto and other permanent improvements for the Texas Forest Service of the type as follows:

2 Lookout Towers, 1 Workshop, 2 additions to District Office Buildings, and Hard Surfacing of 1 District Headquarters Equipment Shop Area.

The total amount expended for the buildings, equipment and other permanent improvements listed above shall not exceed \$40,000. This authorization is effective September 1, 1961.

The resolution was read.

On motion of Senator Dies and by unanimous consent the resolution was considered immediately and was adopted.

## Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
May 17, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 73, Relating to pensions for firemen and their dependents; providing for the financing of the benefits provided for herein; providing for contributions to be made by firemen who are members of Firemen's Relief and Retirement Funds, and for contributions by the State of Texas, and by cities and towns in this State which employ or are served by such firemen; amending Sections 1, 3, 3A, 4, 6, 6A, 6B, 7, 7A, 7B, 7C, 9, 10, 10A, 11, 12, 12A, 19, 20, 21, 23A, 23B, and 26 of Chapter 125, Acts of the Regular Session of the Forty-fifth Legislature, heretofore amended (relating to Firemen's Relief and Retirement Funds); repealing Section 10B of said Chapter 125; declaring this Act to be severable; providing that this Act shall take effect and be in force from and after September 1, 1961; and declaring an emergency.

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

## House Bill 334 on Second Reading

The President laid before the Senate as pending business H. B. No. 334

on its second reading with a substitute by Senator Aikin for the Committee Amendment pending. (The bill having been read the second time on yesterday.)

Question—Shall the substitute by Senator Aikin for the Committee Amendment as amended be adopted?

Senator Aikin offered the following amendment to the substitute for the Committee Amendment:

Amend pending substitute for H. B. 334, Section 3, Subsection (e), Page 6, by adding at the end of such subsection (e) the following:

"The sales and use taxes levied by or in Chapter 6 of Title 122A R.C.S. of Texas on Motor vehicle, trailers and semitrailers, are repealed hereby. Otherwise, all other provisions of such Chapter 6 are to remain in full force and effect."

The amendment to the substitute was adopted.

Senator Aikin offered the following amendment to the substitute for the Committee Amendment:

Amend Article 20.01(c) of Article I of substitute for Committee Amendment No. 1, House Bill 334, by adding thereto the following subsection (3):

"(3) the tax herein imposed shall not apply to any sale of gas or electric utility service to be used in manufacturing or mining operations or electrical processes such as electroplating or electrolysis.

The amendment to the substitute was adopted.

Senator Lane moved to table the substitute by Senator Aikin as amended for the Committee Amendment.

Question on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

## Yeas—17

Baker	Owen
Calhoun	Parkhouse
Creighton	Ratliff
Dies	Reagan
Fuller	Roberts
Hardeman	Secrest
Hazlewood	Smith
Hudson	Weinert
Lane	

## Nays—14

Aikin	Martin
Colson	Moffett
Crump	Moore
Gonzalez	Patman
Herring	Rogers
Kazen	Schwartz
Krueger	Willis

Senator Lane offered the following amendment to the Committee Amendment as amended:

Amend Committee Amendment No. 1 to H. B. 334, Article 20.04, subsection (L), by striking out all of said subsection (L) and inserting in lieu thereof the following:

"(L) All drugs, medicines, braces, spectacles, and orthopedic and dental prosthetic appliances when prescribed by a licensed physician, dentist, optometrist, or chiroprapist shall be exempt from the taxes imposed by this Act."

The amendment to the pending Committee Amendment was adopted.

Senator Hardeman moved the previous question on the pending Committee Amendment and the passage of H. B. No. 334 to third reading and the motion was duly seconded.

Question—Shall the previous question now be ordered?

The previous question was ordered by the following vote:

## Yeas—17

Baker	Owen
Calhoun	Parkhouse
Creighton	Ratliff
Crump	Reagan
Dies	Roberts
Hardeman	Secrest
Hazlewood	Smith
Lane	Weinert
Moffett	

## Nays—12

Aikin	Krueger
Colson	Martin
Fuller	Patman
Gonzalez	Rogers
Herring	Schwartz
Kazen	Willis

## Absent

Hudson	Moore
--------	-------

The Committee Amendment as amended was then adopted.

#### Record of Vote

Senator Krueger asked to be recorded as voting "Nay" on the adoption of the above amendment.

Senator Lane offered the following amendment to the bill:

Amend the caption of House Bill 334 to conform with the body of the bill by striking all matter above the enacting clause and inserting in lieu thereof the following:

#### "A BILL TO BE ENTITLED

"An Act providing additional revenue for the support of the state government; amending Chapter 20 of Title 122A, Revised Civil Statutes of Texas, as enacted by the Fifty-sixth Legislature, Third Called Session, 1959, to provide for a Retail Sales and Use Tax; extending the additional franchise tax until April 30, 1964; levying a tax on coin-operated machines; increasing the operator's, commercial operator's, and chauffeur's license fees as provided for under the terms of Article 6687b, Revised Civil Statutes of Texas and allocating the revenue therefrom; providing an effective date; repealing all laws in conflict; providing a severability clause; and declaring an emergency."

The amendment was adopted.

H. B. No. 334 as amended was passed to third reading.

#### Record of Votes

Senators Willis, Krueger, Patman, Rogers, Martin, Aikin and Schwartz asked to be recorded as voting "Nay" on the passage of H. B. No. 334 to third reading.

#### Motion to Place House Bill 334 on Third Reading

Senator Lane moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 334 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths vote of the Members present):

#### Yeas—19

Baker	Moffett
Calhoun	Owen
Creighton	Parkhouse
Crump	Ratliff
Dies	Reagan
Fuller	Roberts
Hardeman	Secrest
Hazlewood	Smith
Lane	Weinert
Martin	

#### Nays—11

Aikin	Moore
Colson	Patman
Gonzalez	Rogers
Herring	Schwartz
Kazen	Willis
Krueger	

#### Absent

Hudson

#### Reports of Standing Committees

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,  
May 17, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Cities, Counties and Towns, to whom was referred H. B. No. 1090, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senator Baker by unanimous consent submitted the following report:

Austin, Texas,  
May 17, 1961.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Banking, to whom was referred H. B. No. 810, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BAKER, Chairman.

#### Message from the House

Hall of the House of Representatives  
Austin, Texas,  
May 17, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has concurred in Senate amendments to H. J. R. No. 51 by vote of 138 ayes, 2 noes.

House has appointed the following Conference Committee on H. B. No. 995: Caldwell, Chairman; Cannon, LaValle, Stewart of Galveston, Wells.

House has appointed the following Conference Committee on S. B. No. 27: Barlow, Chairman; Eckhardt, Preston, Rosas, Spears.

The House has adopted the Conference Committee Report on House Bill No. 482 by a vote of 139 ayes, 0 noes.

S. C. R. No. 35, Requesting survey and study on higher education.

S. C. R. No. 58, Granting an Easement to the City of Austin for electric transmission and distribution line purposes.

S. C. R. No. 62, Inviting the Secretary of the Navy, the Honorable John B. Connally, to address a Joint Session.

S. B. No. 71, A bill to be entitled "An Act relating to the management, control and use of the surface estate in certain State-owned submerged lands and islands so as to insure the conservation of the marine resources of the State and the development of a submerged lands and islands management program dedicated to the preservation and utilization of such natural resources of the State in the public interest."

(With amendment.)

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### House Bill 349 on Second Reading

Senator Kazen asked unanimous consent to suspend the regular order of business and take up H. B. No. 349 for consideration at this time.

There was objection.

Senator Kazen then moved to suspend the regular order of business and take up H. B. No. 349 for consideration at this time.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lane
Baker	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Owen
Crump	Patman
Dies	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Weinert

Nays—3

Fuller	Willis
Parkhouse	

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 349, Amending Article 195 of the Revised Civil Statutes of Texas, 1925, apportioning the State of Texas into Representative Districts; naming the Counties composing each District; providing the number of Representatives to be elected in each District; etc., and declaring an emergency.

The bill was read second time.

Senator Kazen offered the following amendment to the bill:

Amend House Bill No. 349 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. The Representative Districts of the State of Texas shall be composed respectively of the following named Counties and each District shall be entitled to elect one Representative except as otherwise provided herein:

1. Bowie
  2. Morris, Cass, Marion
  3. Harrison
  4. Rusk, Panola
  5. Nacogdoches, San Angustine, Shelby
  6. Trinity, Angelina
  7. Jasper, Newton, Tyler, Sabine
  8. Orange
  9. Jefferson
- Place 1  
Place 2

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>Place 3</li> <li>Place 4</li> <li>10. Lamar, Red River</li> <li>11. Delta, Hopkins, Franklin, Titus</li> <li>12. Wood, Upshur, Camp</li> <li>13. Gregg</li> <li>14. Smith</li> <li>15F. Smith, Gregg</li> <li>16. Anderson, Cherokee</li> <li>17. Houston, Walker, Leon</li> <li>18. Madison, Grimes, Montgomery</li> <li>19. San Jacinto, Polk, Hardin</li> <li>20. Liberty, Chambers</li> <li>21. Galveston</li> <li>Place 1</li> <li>Place 2</li> <li>22. Harris</li> <li>Place 1</li> <li>Place 2</li> <li>Place 3</li> <li>Place 4</li> <li>Place 5</li> <li>Place 6</li> <li>Place 7</li> <li>Place 8</li> <li>Place 9</li> <li>Place 10</li> <li>Place 11</li> <li>Place 12</li> <li>23. Brazoria</li> <li>24. Fannin, Hunt</li> <li>25. Kaufman, Rockwall</li> <li>26. Rains, Van Zandt, Henderson</li> <li>27. Falls, Limestone, Freestone</li> <li>28. Brazos</li> <li>29. Washington, Austin, Waller</li> <li>30. Fort Bend</li> <li>31. Wharton</li> <li>32. Matagorda, Jackson</li> <li>33. Victoria, Calhoun</li> <li>34. Goliad, Live Oak, Bee, Refugio</li> <li>35. San Patricio, Aransas</li> <li>36. Nueces</li> <li>Place 1</li> <li>Place 2</li> <li>Place 3</li> <li>Place 4</li> <li>37F. Kleberg, Kenedy, Hidalgo</li> <li>38. Hidalgo</li> <li>Place 1</li> <li>Place 2</li> <li>Place 3</li> <li>39. Cameron</li> <li>Place 1</li> <li>Place 2</li> <li>40F. Willacy, Cameron</li> <li>41. Ellis</li> <li>42. Hill, Navarro</li> <li>43. McLennan</li> <li>Place 1</li> <li>Place 2</li> <li>Place 3</li> </ul> | <ul style="list-style-type: none"> <li>44. Bell</li> <li>Place 1</li> <li>Place 2</li> <li>45. Milam, Robertson, Burleson</li> <li>46. Bastrop, Fayette, Colorado</li> <li>47. Gonzales, Lavaca, DeWitt</li> <li>48. Grayson</li> <li>49F. Grayson, Cooke</li> <li>50. Collin</li> <li>51. Dallas</li> <li>Place 1</li> <li>Place 2</li> <li>Place 3</li> <li>Place 4</li> <li>Place 5</li> <li>Place 6</li> <li>Place 7</li> <li>Place 8</li> <li>Place 9</li> <li>52. Johnson, Somervell, Bosque</li> <li>53. Hamilton, Coryell, Erath</li> <li>54. Williamson, Lee</li> <li>55. Travis</li> <li>Place 1</li> <li>Place 2</li> <li>Place 3</li> <li>Place 4</li> <li>56. Blanco, Hays, Caldwell</li> <li>57. Kendall, Comal, Guadalupe</li> <li>58. Wilson, Karnes, Atascosa, Frio, LaSalle, McMullen</li> <li>59. Denton</li> <li>60. Tarrant</li> <li>Place 1</li> <li>Place 2</li> <li>Place 3</li> <li>Place 4</li> <li>Place 5</li> <li>Place 6</li> <li>Place 7</li> <li>61. Montague, Clay, Archer, Young, Jack</li> <li>62. Parker, Wise, Hood</li> <li>63. Palo Pinto, Stephens, Shackelford, Callahan, Eastland</li> <li>64. Runnels, Coleman, Brown, Comanche</li> <li>65. McCulloch, San Saba, Lampasas, Burnet, Llano, Gillespie, Mills</li> <li>66. Mason, Kimble, Kerr, Bandera, Real, Edwards, Sutton, Menard, Schleicher, Crockett, Concho</li> <li>67. Uvalde, Medina, Zavala, Dimmit</li> <li>68. Bexar</li> <li>Place 1</li> <li>Place 2</li> <li>Place 3</li> <li>Place 4</li> <li>Place 5</li> <li>Place 6</li> <li>Place 7</li> </ul> |
|---|--|

69. Webb, Zapata
70. Jim Wells, Brooks, Jim Hogg, Duval, Starr
71. Maverick, Kinney, Val Verde, Terrell
72. Brewster, Pecos, Crane, Upton, Ward
73. Presidio, Jeff Davis, Reeves, Winkler, Loving, Culberson, Hudspeth
74. El Paso
  - Place 1
  - Place 2
  - Place 3
  - Place 4
  - Place 5
75. Andrews, Gaines, Dawson, Lynn
76. Ector
77. Midland
78. Martin, Howard, Glasscock, Sterling, Coke, Reagan, Irion
79. Tom Green
80. Mitchell, Nolan, Fisher, Stonewall, Dickens, King
81. Wichita
  - Place 1
  - Place 2
82. Wilbarger, Foard, Hardeman, Cottle, Motley, Childress, Hall, Donley
83. Knox, Baylor, Haskell, Throckmorton, Jones
84. Taylor
  - Place 1
  - Place 2
85. Crosby, Garza, Kent, Borden, Scurry
86. Hutchinson, Ochiltree, Lipscomb, Roberts, Hemphill
87. Gray, Wheeler, Collingsworth
88. Lubbock
  - Place 1
  - Place 2
  - Place 3
89. Swisher, Briscoe, Hale, Floyd
90. Cochran, Hockley, Yoakum, Terry
91. Parmer, Castro, Bailey, Lamb, Deaf Smith
92. Oldham, Hartley, Dallam, Sherman, Moore, Hansford
93. Potter
  - Place 1
  - Place 2
- 94F. Potter, Carson, Randall, Armstrong

"Section 2. In all Districts composed of only one (1) county, the County Judge of each county shall receive the returns and issue a certificate of election to the Representa-

tive elected as shown by the highest number of votes cast for any one person; but in the several Districts composed of more than one (1) county, the County Judge of the County having the largest population as shown by the last preceding Federal Census shall receive the returns and issue a certificate of election to the Representative elected as shown by the highest number of votes for any one person in the District."

Sec. 3. This Act shall become effective for the elections, primary and general, for all Representatives, from the places herein specified and described, to the Fifty-eighth Legislature, and continue in effect thereafter for succeeding Legislatures; provided specifically that this Act shall not affect the membership, personnel or Districts, of the Fifty-seventh Legislature; and provided further, that in case a vacancy occurs in the office of any Representative of the Fifty-seventh Legislature by death, resignation, or otherwise, and a Special Election to fill such vacancy becomes necessary, said election shall be held in the District as it now exists.

Sec. 4. The Senatorial Districts of the State of Texas shall hereafter be composed respectively of the following counties and each district shall be entitled to elect one Senator, to-wit:

No. 1. Bowie, Cass, Delta, Franklin, Hopkins, Lamar, Marion, Morris, Red River, Titus.

No. 2. Gregg, Harrison, Panola, Rusk, Shelby.

No. 3. Angelina, Cherokee, Hardin, Jasper, Nacogdoches, Newton, Sabine, San Augustine, Tyler.

No. 4. Jefferson, Orange.

No. 5. Grimes, Houston, Leon, Liberty, Madison, Montgomery, Polk, San Jacinto, Trinity, Walker, Waller.

No. 6. Harris.

No. 7. Camp, Henderson, Kaufman, Smith, Upshur, Van Zandt, Wood.

No. 8. Dallas.

No. 9. Collin, Cooke, Fannin, Grayson, Hunt, Rains, Rockwall.

No. 10. Tarrant.

No. 11. Anderson, Brazos, Burleson, Falls, Freestone, Lee, Limestone, Navarro, Robertson.

No. 12. Bosque, Comanche, Coryell, Ellis, Erath, Hamilton, Hill, Hood, Johnson, Somervell.

No. 13. Bell, McLennan, Milam.

No. 14. Bastrop, Travis, Williamson.

No. 15. Austin, Colorado, DeWitt, Fayette, Lavaca, Matagorda, Washington, Wharton.

No. 16. Bandera, Brown, Burnet, Concho, Gillespie, Kerr, Kimble, Kinney, Lampasas, Llano, McCulloch, Mason, Menard, Mills, Real, San Saba, Uvalde, Zavala.

No. 17. Brazoria, Chambers, Fort Bend, Galveston.

No. 18. Aransas, Bee, Calhoun, Goliad, Jackson, Karnes, Live Oak, McMullen, Refugio, San Patricio, Victoria.

No. 19. Atascosa, Blanco, Caldwell, Comal, Frio, Gonzalez, Guadalupe, Hays, Kendall, Medina, Wilson.

No. 20. Kenedy, Kleberg, Nueces, Willacy.

No. 21. Brooks, Dimmit, Duval, Jim Hogg, Jim Wells, LaSalle, Maverick, Starr, Webb, Zapata.

No. 22. Callahan, Clay, Denton, Eastland, Jack, Montague, Palo Pinto, Parker, Stephens, Wise.

No. 23. Archer, Baylor, Cottle, Foard, Hardeman, Haskell, King, Knox, Throckmorton, Wichita, Wilbarger, Young.

No. 24. Borden, Dickens, Fisher, Garza, Howard, Jones, Kent, Mitchell, Nolan, Scurry, Shackelford, Stonewall, Taylor.

No. 25. Brewster, Coke, Coleman, Crane, Crockett, Edwards, Glasscock, Irion, Jeff Davis, Pecos, Presidio, Reagan, Runnels, Schleicher, Sterling, Sutton, Terrell, Tom Green, Upton, Val Verde.

No. 26. Bexar.

No. 27. Cameron, Hidalgo.

No. 28. Andrews, Cochran, Crosby, Dawson, Gaines, Hockley, Lubbock, Lynn, Martin, Terry, Yoakum.

No. 29. Culberson, Ector, El Paso, Hudspeth, Loving, Midland, Ward, Winkler, Reeves.

No. 30. Armstrong, Bailey, Briscoe, Castro, Childress, Collingsworth, Deaf Smith, Donley, Floyd, Hale, Hall, Lamb, Motley, Parmer, Swisher.

No. 31. Carson, Dallam, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Wheeler.

Section 5. This Act shall become effective for the elections, primary and general, for all Senators, from the places herein specified and described, to the Fifty-eighth Legislature, and continue in effect thereafter for succeeding Legislatures; provided specifically that this Act shall not affect

the membership, personnel or districts, of the Fifty-seventh Legislature; and provided further, that in case a vacancy occurs in the office of any Senator of the Fifty-seventh Legislature by death, resignation, or otherwise, and a special election to fill such vacancy becomes necessary, said election shall be held in the district as it now exists.

Section 6. Should any portion of this Act be held unconstitutional by a Court of competent jurisdiction, such holding of unconstitutionality shall not affect the remainder of the Act, and the remainder of the Act shall remain in full force and effect as though the portion held unconstitutional had never been a part of this Act.

Section 7. All laws and parts of laws in conflict with this Act are hereby expressly repealed.

Section 8. The unequal apportionment of Representatives and Senatorial Districts and the great importance of giving equal representation to all citizens of this State in the House of Representatives and the Senate of Texas create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended; and said Rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage; and it is so enacted.

On motion of Senator Kazen and by unanimous consent the reading of the amendment was dispensed with and he explained it.

Senator Ratliff offered the following amendment to the pending amendment:

Amend the pending amendment to House Bill 349 by deleting from Senatorial District No. 23 the County of Haskell and substituting in lieu thereof the County of Dickens, and by deleting from Senatorial District No. 24 the County of Dickens and substituting in lieu thereof the County of Haskell.

The amendment was adopted.

Senator Fuller offered the following amendment to the pending amendment as amended:

Amend H. B. No. 349 by deleting



Sec. 2, 3, 4 and 5 of said bill and substituting in lieu thereof the following:

Section 1A. That Senate Bill 1, Chapter 27, Acts of the Regular Session of the 52nd Legislature be and the same is hereby amended so as to hereafter read as follows:

"The Senatorial Districts of the State of Texas shall hereafter be composed respectively of the following counties and each district shall be entitled to elect one Senator, to-wit:

"No. 1. Bowie, Cass, Delta, Franklin, Hopkins, Lamar, Marion, Morris, Red River, Titus.

No. 2. Gregg, Harrison, Panola, Rusk, Shelby.

No. 3. Angelina, Cherokee, Hardin, Jasper, Nacogdoches, Newton, Orange, Sabine, San Augustine, Tyler.

No. 4. Jefferson.

No. 5. Grimes, Houston, Leon, Liberty, Madison, Montgomery, Polk, San Jacinto, Trinity, Walker, Waller.

No. 6. Harris.

No. 7. Camp, Henderson, Kaufman, Smith, Upshur, Van Zandt, Wood.

No. 8. Dallas.

No. 9. Collin, Cooke, Fannin, Grayson, Hunt, Rains, Rockwall.

No. 10. Tarrant.

No. 11. Anderson, Brazos, Burleson, Falls, Freestone, Lee, Limestone, Navarro, Robertson.

No. 12. Bosque, Comanche, Coryell, Ellis, Erath, Hamilton, Hill, Hood, Johnson, Somervell.

No. 13. Bell, McLennan, Milam.

No. 14. Bastrop, Travis, Williamson.

No. 15. Austin, Colorado, DeWitt, Fayette, Lavaca, Matagorda, Washington, Wharton.

No. 16. Bandera, Brown, Burnet, Concho, Gillespie, Kerr, Kimble, Kinney, Lampasas, Llano, McCulloch, Mason, Menard, Mills, Real, San Saba, Uvalde, Zavala.

No. 17. Brazoria, Chambers, Fort Bend, Galveston.

No. 18. Aransas, Bee, Calhoun, Goliad, Jackson, Karnes, Live Oak, McMullen, Refugio, San Patricio, Victoria.

No. 19. Atascosa, Blanco, Caldwell, Comal, Frio, Gonzales, Guadalupe, Hays, Kendall, Medina, Wilson.

No. 20. Kenedy, Kleberg, Nueces, Willacy.

No. 21. Brooks, Dimmit, Duval, Jim Hogg, Jim Wells, LaSalle, Maverick, Starr, Webb, Zapata.

No. 22. Callahan, Clay, Denton, Eastland, Jack, Montague, Palo Pinto, Parker, Stephens, Wise.

No. 23. Archer, Baylor, Cottle, Foard, Hardeman, Haskell, King, Knox, Throckmorton, Wichita, Wilbarger, Young.

No. 24. Borden, Dickens, Fisher, Howard, Jones, Kent, Martin, Mitchell, Nolan, Scurry, Shackelford, Stonewall, Taylor.

No. 25. Brewster, Coke, Coleman, Crane, Crockett, Edwards, Glasscock, Irion, Jeff Davis, Pecos, Presidio, Reagan, Runnels, Schleicher, Sterling, Sutton, Terrell, Tom Green, Upton, Val Verde.

No. 26. Bexar.

No. 27. Cameron, Hidalgo.

No. 28. Andrews, Cochran, Crosby, Dawson, Gaines, Hockley, Lubbock, Lynn, Terry, Yoakum.

No. 29. Culberson, Ector, El Paso, Hudspeth, Loving, Midland, Reeves, Ward, Winkler.

No. 30. Armstrong, Bailey, Briscoe, Castro, Childress, Collingsworth, Deaf Smith, Donley, Floyd, Hale, Hall, Lamb, Motley, Parmer, Swisher.

No. 31. Carson, Dallam, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Wheeler."

Sec. 2. This Act shall become effective for the elections, primary and general, for all Senators and Representatives from the places herein specified and described, to the Fifty-eighth Legislature, and continue in effect thereafter for succeeding Legislatures; provided specifically that this Act shall not affect the membership, personnel or districts, of the Fifty-seventh Legislature; and provided further, that in case a vacancy occurs in the office of any Senator or Representative of the Fifty-seventh Legislature by death, resignation, or otherwise, and a special election to fill such vacancy becomes necessary, said election shall be held in the district as it now exists.

Sec. 3. Should any portion of this Act be held unconstitutional by a Court of competent jurisdiction, such holding of unconstitutionality shall not affect the remainder of the Act, and the remainder of the Act shall remain in full force and effect as though the portion held unconstitutional had never been a part of this Act.

Sec. 4. All laws and parts of laws

in conflict with this Act are hereby expressly repealed.

Sec. 5. The unequal apportionment of Legislative Districts and the great importance of giving equal representation to all citizens of this State in the Legislature of Texas create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended; and said Rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage; and it is so enacted.

On motion of Senator Fuller and by unanimous consent the reading of the amendment was dispensed with and he explained the amendment.

Question—Shall the amendment by Senator Fuller to the pending amendment by Senator Kazen as amended be adopted?

#### House Bills on First Reading

The following bills received from the House, were read the first time and referred to the committees indicated:

H. B. No. 155, To the Committee on Privileges and Elections.

H. B. No. 332, To the Committee on Water and Conservation.

H. B. No. 892, To the Committee on Jurisprudence.

H. B. No. 73, To the Committee on State Affairs.

#### Recess

Senator Parkhouse moved that the Senate stand adjourned until 10:30 o'clock a.m. tomorrow.

Senator Dies moved that the Senate stand recessed until 2:00 o'clock p.m. today.

Question on the motion to adjourn, yeas and nays were demanded.

The motion to adjourn was lost by the following vote:

#### Yeas—12

Aikin	Hazlewood
Baker	Parkhouse
Calhoun	Ratliff
Creighton	Reagan
Fuller	Secrest
Hardeman	Weinert

#### Nays—16

Colson	Moffett
Crump	Moore
Dies	Owen
Herring	Patman
Hudson	Roberts
Kazen	Rogers
Krueger	Schwartz
Martin	Willis

#### Absent

Gonzalez	Smith
Lane	

Question next on the motion to recess, the motion prevailed.

Accordingly, the Senate at 12:05 o'clock p.m. took recess until 2:00 o'clock p.m. today.

#### After Recess

The President called the Senate to order at 2:00 o'clock p.m. today.

#### Leave of Absence

Senator Lane was granted leave of absence to attend the funeral of his former law partner on motion of Senator Hardeman.

#### Conference Committee Report on Senate Bill 414

Senator Ratliff submitted the following Conference Committee Report on S. B. No. 414:

May 17, 1961.

The Honorable Ben Ramsey, President of the Senate.

The Honorable James A. Turman, Speaker of the House of Representatives.

Sirs: We, your Conference Committee appointed to adjust the differences between the House and Senate on S. B. No. 414, beg leave to report that we have considered same and report back with recommendation that said Bill be passed in the form and text hereto attached.

Respectfully submitted,

RATLIFF  
MOFFETT  
HARDEMAN  
ROGERS  
MARTIN

On the part of the Senate

ROSSON  
CONNELL  
EHRLE  
READ  
QUILLIAM

On the Part of the House

S. B. No. 414, An Act authorizing counties to acquire a supply of fresh water for the courthouse and other county purposes and providing for the acquisition of such treatment and distribution facilities and water permits as may be required; providing a limitation on the cost of such projects; providing the circumstances under which such counties may sell water not needed for courthouse and other county purposes to others; providing for the issuance of bonds to pay the cost of such project; providing that such bonds shall be secured by a pledge of the net revenues from the operation of the project; providing that such bonds may be additionally secured by the levy of a tax; prescribing the procedure for the issuance of such bonds; authorizing the issuance of additional bonds to improve, repair and/or extend the project under certain circumstances; authorizing the issuance of refunding bonds; providing bonds issued under this Act shall be legal investments for certain banks, fiduciaries and political subdivisions and eligible to secure the deposit of certain funds; providing for the exercise of the power of eminent domain; providing certain obligations will be considered as tax obligations for certain purposes; declaring this Act cumulative of all other laws; declaring the accomplishment of the purpose of the Act to be essential; enacting other provisions incident to and related to the subject; providing a severance clause; providing that no county may adopt the provisions of this Act after September 1 1963; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. The provisions of this Act may be adopted by an order of the Commissioners Court of any county within this state only upon the unanimous vote of the members of such court.

Sec. 2. The Commissioners Court of any county is hereby authorized to acquire by purchase, construction or otherwise an adequate source of fresh water, either surface or subterranean, for the purpose of supplying water to

the courthouse and for other county purposes provided that such county shall comply with the provisions of Chapter I, Title 128, R. C. S. of Texas, 1925, as amended, relating to water permits, where applicable; and in the furtherance of such project such county shall be authorized and empowered to purchase, construct, repair and maintain pools, lakes, reservoirs, wells, dams, and such treatment and distribution facilities as may be required, all of which is hereinafter sometimes referred to as the project; provided, however, that no project or projects adopted by any one county under the provisions of this Act shall exceed the total cost of Two Hundred Fifty Thousand Dollars (\$250,000), exclusive of interest.

Sec. 3. The Commissioners Court of any county is hereby authorized and empowered to sell, contract to sell, deliver and distribute any or all water of the project which is not needed for county purposes to any municipal corporation or political subdivision of this State now created or existing or hereafter established under the laws of the State of Texas, or to any individual, corporation or company under such terms and conditions as the court may determine to be in the best interests of the county, but in no event may the county sell water under the terms of this Section if an adequate public water supply is available to such municipal corporation, political subdivision, individual, corporation or company at the time the provisions of this Act are adopted by the county, nor shall the county sell water under this Act for irrigation purposes. The cost of supplying the water, including any increase in the cost of acquisition, storage, treatment and distribution facilities shall be considered a part of the cost of the project as such term is used in the preceding and following Sections.

Sec. 4. (a) For the purpose of paying the cost of the project, including, without limitation, legal, fiscal, engineering expenses, and interest during the construction of the project, the county may, after approval in an election as hereinafter provided, issue its negotiable bonds payable from and secured by a pledge of the net revenues of the project. When so provided in the order, and after an election, authorizing the issuance of bonds, bonds issued by the county may be additionally secured by levy of an ad valorem tax on the taxable prop-

erty of the county out of the Permanent Improvement Tax prescribed under Article 8, Section 9 of the Constitution. If the bonds are to be supported by a tax, the Commissioners Court shall levy such tax sufficient to pay the interest on the bonds as it accrues and the principal as it matures, but the order authorizing the issuance of the bonds may provide that the amount of tax to be collected each year may be reduced or abated to the extent that money is on hand from the pledged revenues applicable to the payment of interest and principal.

(b) As to bonds issued by the county secured solely by a pledge of net revenues of the project as aforesaid, it shall be the mandatory duty of the commissioners Court to contract for and impose such rates and charges, for water supplied by the project as will be fully sufficient to operate and maintain the project and produce all amounts required to pay principal and interest on the bonds when due, and establish such reserves as may be provided in the order authorizing the issuance of such bonds.

(c) All water used by the county for its own facilities shall be paid for out of general funds of the County legally available for such purpose and no free service shall be allowed.

(d) Prior to the construction of the proposed work or any future additional improvements, works or construction, the Commissioners Court must enter a resolution ordering an election on a day certain. Based on such order, notice of such election shall be given, returns made, result declared, orders entered, tax levied, certified, assessed, or collected, and all other matters applicable shall be performed as required by the resolution and order. The order shall set forth the proposed project, the amount of bonds to be issued to pay for the same, their rate of interest and maturity dates, and shall show whether or not a tax shall be levied to redeem such bonds and if so the amount of the tax.

(e) In the event a majority of the electors who own taxable property in the county and who have duly rendered the same for taxation approve the issuance of the bonds, then the Commissioners Court shall issue such bonds as hereinafter provided. In no event shall any single project proposed by the Commissioners Court require the issuance of bonds whose to-

tal par value is in excess of Two Hundred Fifty Thousand Dollars (\$250,000).

(f) The Commissioners Court shall have full discretion in fixing the details of the bonds and in determining the manner of sale thereof provided the bonds shall bear interest at not exceeding six percent (6%) per annum and mature in not more than forty (40) years from their date and such order may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the county in relation to the acquisition of properties and the construction, maintenance, operation, repair and insurance of the project, and the custody, safeguarding, and application of all moneys, and may set forth the rights and remedies of the bondholders and may contain such other provisions as the Commissioners Court may deem reasonable and proper for the security of the bondholders, including but without limitation covenants prescribing all happenings or occurrences which constitute events of default and the rights, liabilities, powers and duties arising upon breach by the county of any of its duties or obligations. The bonds may be made redeemable prior to maturity in such manner and at such prices as may be determined by the Commissioners Court in the order authorizing their issuance. All bonds issued hereunder shall and are hereby declared to have all the qualifications and incidents of negotiable instruments under the Negotiable Instruments Law of Texas. The proceeds of the bonds shall be used solely to pay the cost of the project as above provided, and shall be disbursed under such restrictions as may be provided in the bond order, and there shall be and is hereby created and granted a lien upon such moneys until so applied in favor of the holders of the bonds. Pending use of the proceeds of the sale of such bonds for the construction of the project such proceeds may be invested in direct obligations of the United States Government having maturities not more than ninety-one (91) days from the date of investment. Unless otherwise provided in such order or indenture, if the proceeds of the bonds prove insufficient to pay the cost of the project, additional bonds may be issued under the methods herein prescribed to the amount of the deficit.

Sec. 5. If the bonds are not supported by a tax levy, they shall never constitute a debt of the county, but shall be solely a charge upon the pledged revenues, and shall never be reckoned in determining the power of the county to issue bonds or incur other debt for any purpose authorized by law, and each bond shall contain this clause: "The holder hereof shall never have the right to demand payment of this obligation out of any funds raised or to be raised by taxation."

Sec. 6. The bonds shall be signed by the county judge and attested by the county clerk, but the facsimile signature of such officials may be printed or lithographed on the bonds in accordance with the provisions of Chapter 293, Acts of the 54th Legislature, 1955. The county treasurer shall register the bonds, but he need not sign them. The seal of the Commissioners Court shall be impressed on the bonds or a facsimile of the seal may be printed or lithographed thereon. The bonds and the record relating to their issuance shall be presented to the Attorney General of Texas, and if they have been issued in accordance with the Constitution and this law he shall approve them. Upon approval by the Attorney General the bonds shall be registered by the Comptroller of Public Accounts, and thereafter the bonds and the provisions made for their security and payment shall be incontestable.

Sec. 7. For the purpose of carrying out any power or authority conferred by this Act the county shall have the right to acquire land and easements, by condemnation in the manner provided by Title 52, Revised Civil Statutes, as amended, relating to eminent domain. The amount of and character of interest in land and easements thus to be acquired shall be determined by the Commissioners Court. In the event that the county, in the exercise of the power of eminent domain or power of relocation, or any other power granted hereunder, makes necessary the relocation, raising, rerouting, or changing the grade of, or altering the construction of any highway, railroad, electric transmission line or pipeline or telephone or telegraph properties and facilities, all such necessary relocation, raising, rerouting, changing of grade or alteration of construction shall be accomplished at the sole expense of the county. The term 'sole expense'

shall mean the actual cost of relocation, raising, rerouting, change in grade or alteration of construction in providing comparable replacement without enhancement of such facilities, after deducting therefrom the net salvage value derived from the old facility.

Sec. 8. Additional bonds payable solely by a pledge of the net revenues of the project as well as additional bonds payable from the net revenues of the project and additionally secured by levy of an ad valorem tax on the taxable property of the county may be issued for the purpose of improving, repairing or extending the project or for any or all such purposes if permitted by the order authorizing the original issue of bonds, and if authorized by proper election.

Sec. 9. Subject to any restrictions which may appear in the bond authorizing order, the Commissioners Court may provide for the issuance of bonds for the purpose of refunding any of the bonds issued under this Act and at the time outstanding. The issuance of such refunding bonds, the maturities and other terms thereof, the rights of the holders thereof, and the duties of the county in respect to the same, shall be governed by the foregoing provisions of this Act insofar as the same may be applicable, but no such refunding bonds shall be delivered unless delivered in exchange for the bonds authorized to be refunded thereby or unless sold and delivered to provide funds for the payment of matured or redeemable bonds maturing or redeemable within six (6) months. Such refunding bonds shall bear interest at the same or lower rate than borne by the bonds refunded, unless it is shown mathematically that a saving will result in the total of interest to be paid.

Sec. 10. All bonds issued under this law shall be and are hereby declared to be legal and authorized investments for banks, savings banks, trust companies, building and loan associations, savings and loan associations, insurance companies, fiduciaries, trustees, guardians, and for the sinking funds of cities, towns, villages, counties, school districts, or other political corporations or subdivisions of the State of Texas. Such bonds shall be eligible to secure the deposit of any and all public funds of cities, towns, villages, counties, school districts, or other political corporations or subdivisions of the State of Texas; and

such bonds shall be lawful and sufficient security for said deposits to the extent of their face value.

Sec. 11. The holder or holders of any of such bonds herein authorized to be issued shall have the right, in addition to all other rights, by mandamus or other proceedings in any court of competent jurisdiction to enforce his or their rights against the county and its employees and against the agents and the employees thereof, including but not limited to the right to require the county to impose and collect sufficient rates and charges to carry out the agreements contained in the bond order and to perform all agreements and covenants therein contained and duties arising therefrom.

Sec. 12. Obligations issued pursuant to the provisions of this Act which are secured wholly or partially by a pledge of taxes out of the Permanent Improvement Tax prescribed under Article 8, Section 9 of the Constitution shall be considered as payable wholly from such tax for the purpose of determining the availability of taxing power of the county to pay obligations which are payable from such tax.

Sec. 13. This Act is declared cumulative of all other Acts or laws and the powers, rights and privileges and functions hereby conferred shall not prevent the exercise by any county of any and all other powers, rights, privileges, or functions conferred upon such county by any other Act or law now existing or hereafter enacted. Specifically, nothing herein shall prevent any county from issuing warrants in connection with the project in the manner prescribed by Chapter 163, Acts of the 42nd Legislature, 1931, as amended.

Sec. 14. The accomplishment of the purposes stated in this Act being for the benefit of the people of this State, and for the improvement of their commerce and property, the county in carrying out the purposes of this Act will be performing an essential governmental function and shall not be required to pay any tax or assessment on the project or any part thereof, and the bonds issued hereunder and their transfer and the income therefrom including any profits made on the sale thereof, shall at all times be free from taxation within this state.

Sec. 15. If any clause, sentence, paragraph, or part of this Act shall

for any reason be adjudged by any court of competent jurisdiction to be invalid or ineffective, such judgment shall not affect, impair, or invalidate the remainder of this Act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment has been rendered.

Sec. 15a. No county may adopt the provisions of this Act after September 1, 1963.

Sec. 16. The fact that some counties of this state are being handicapped because no public water supply is available and such facilities cannot currently be financed without the creation of an additional political subdivision with unlimited taxing power, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended; and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee Report was read and was adopted.

#### Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
May 17, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 107, A bill to be entitled "An Act relating to liens for persons, firms, lumber dealers or corporations, artisans, laborers, mechanics, subcontractors who labor, especially fabricate material or furnish labor or material for certain construction or repair works; creating liens to secure payment; defining the meaning of certain words and terms used in this Act; prescribing the manner of fixing and securing liens; establishing a lien for certain specially fabricated materials contracted for; establishing a procedure for the retention of funds and the payment of claims; providing for forms for claims; requiring the original contractor to defend certain suits; providing for the equality of liens and establishing a preference for liens of artisans and mechanics

perfected as herein provided; permitting a bond to be filed for the payment of liens or claims and establishing the procedure for the filing of such bond and the perfecting and payment of claims; amending Articles 5452, 5453, 5454, 5455, 5463, 5467, 5468 and 5469 of Title 90 of the Revised Civil Statutes of Texas, 1925; repealing Articles 5456, 5457, 5461, 5462 and 5465 of Title 90 of the R.C.S. of Texas, 1925; fixing the effective date of this Act and prescribing the contracts to which it applies and the contracts which shall continue to be governed by the law heretofore applicable; providing for severability; and declaring an emergency."

(With amendment.)

H. B. No. 141, A bill to be entitled "An Act to amend Articles 2.08 and 10.04 of the Texas Non-Profit Corporation Act, Acts 1959, 56th Legislature, Chapter 162; and declaring an emergency."

H. B. No. 86, A bill to be entitled "An Act amending subsection (1), Article 7.02 and subsection (1), Article 7.06 of Chapter 1 of Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, so as to provide that the cigarette tax shall be paid by the person who ultimately uses or consumes cigarettes; and declaring an emergency."

H. B. No. 120, A bill to be entitled "An Act authorizing certain junior college districts to offer classes to candidates for baccalaureate degrees in certain fields during their junior and senior years, and to award degrees in such fields; providing that funds heretofore or hereafter appropriated by the Legislature of this State shall not be used to defray the costs of conducting such classes; requiring an election to authorize the exercise of the powers herein granted; containing a savings clause; and declaring an emergency."

H. B. No. 829, A bill to be entitled "An Act concerning the practice of barbering in this State; amending Sections 9, 20 and 27 of House Bill 104, Chapter 65, Acts of the 41st Legislature, First Called Session, as amended; changing the existing provisions relating to the licensing and operation of barber schools and colleges; providing for an increase of the annual renewal fee for certificates

of registration; providing that the members of the State Board of Barber Examiners shall receive an increase in per diem; providing for severability; and declaring an emergency."

H. B. No. 833, A bill to be entitled "An Act repealing paragraph (q), Section 19, Chapter 465, Acts of the Second Called Session, Forty-fourth Legislature, 1935, codified as paragraph (q), Section 19 of Article 3912e of Vernon's Civil Statutes, and further repealing Article 3897 of the Revised Civil Statutes of Texas, 1925, and any other statute which requires a district, county, or precinct official to file an annual report of all fees and commissions collected with the State Auditor, District Clerk, Commissioners Court, or any other official or officials providing for a repealing clause; and declaring an emergency."

H. B. No. 835, A bill to be entitled "An Act to amend Section 6 (a) of Senate Bill No. 5, Chapter 465, Second Called Session, Forty-fourth Legislature, 1935, (Compiled as Art. 3912e, V.C.S.) by providing for reimbursement by the State of counties, wherein county officers are compensated on a salary basis, for costs expended in felony cases in the operation of the offices of Sheriff, District Clerk, Justices of the Peace and Constables by withholding by Assessors and Collectors of Taxes in such counties from collections of State taxes, an amount computed on a basis of fourteen cents (14¢) per capita of the population of such counties according to the last preceding Federal Census and providing that where such counties had a population of less than sixty thousand (60,000) inhabitants in 1950 according to the 1950 Federal Census and now have ad valorem valuations for all purposes, according to the last approved tax roll of such county or counties, that have increased as to such valuations at least fifty per centum (50%) over the valuations of 1950, the amount of said reimbursement to be paid to such counties for account of Officers' Salary Fund, and likewise withheld from state tax collections by Tax Assessor and Collectors of counties, and further providing that effective September 1, 1961, the Comptroller of Public Accounts of Texas shall issue his warrant quarterly on the first day of

January, April, July and October, to the Assessor and Collector of Taxes of each county eligible for such reimbursement, his warrant in the sum of one-fourth ( $\frac{1}{4}$ ) of the amount of reimbursement computed on an annual and per capita basis as provided."

H. B. No. 834, A bill to be entitled "An Act amending Subsection (b) of Section 13, Article 3912e, Revised Civil Statutes of 1925, as enacted by Senate Bill No. 5, Chapter 465, Second Called Session of the 44th Legislature, 1935, as amended by Senate Bill No. 6, Chapter 54, 51st Legislature, 1949, providing that salaries of criminal district attorneys or county attorneys performing the duties of district attorney, and salaries of his assistants, shall be paid from the County Officers' Salary Fund or General Fund; that the State shall pay to each county for its Officers' Salary Fund, an amount equal to a sum which bears the same proportion to the total salary of such criminal district attorney or county attorney performing the duties of district attorney and the salaries of his assistants, as all felony fees collected by such official during the year 1935, bear to the total fees collected by said official during said year; and providing the manner of payment and the amount thereof to be made by the State in counties wherein no felony fees were collected in and during the said year 1935; and providing that such payments by the State shall be made after the close of each four-month (4) period starting September 1, 1961; that the Comptroller of Public Accounts shall verify the sums due at or after the close of each four-month (4) period and shall issue his warrant to the Assessor and Collector of Taxes for each county, authorizing the amount due to be deducted and withheld from any current, delinquent or other States taxes collected by him for the account of the State; and further providing that each county entitled to payments, shall make claim to the State Comptroller showing all such salaries paid during the preceding four-month period; that such Assessor and Collector shall remit amounts so withheld from State tax collections to the Treasurer of his county and also endorse said warrant and remit same with the balance of State tax collections due and payable

to the State, to the Comptroller of Public Accounts."

H. B. No. 665, A bill to be entitled "An Act relating to legal rate of publication in newspapers; amending Article 29 of the Revised Civil Statutes of Texas of 1925, as amended, to establish rates to be charged by newspapers for such publication; repealing all laws in conflict; and declaring an emergency."

H. B. No. 1068, A bill to be entitled "An Act authorizing and directing the Board of Regents of the State Teachers Colleges to convey to the Methodist Student Movement of Texas, Inc., a tract of land owned by the State of Texas, for the use and benefit of Southwest Texas State College, in consideration for conveyance by the Methodist Student Movement of Texas, Inc., of a tract of land to the City of San Marcos for street purposes; and declaring an emergency."

The House has adopted the Conference Committee Report on Senate Bill No. 414 by a non-record vote.

The House has concurred in Senate amendments to H. C. R. No. 40 by a non-record vote.

H. J. R. No. 68, Proposing an Amendment to Section 49-b, Article III of the Constitution of Texas permitting the resale of lands of the Veterans' Land Fund remaining unsold after having been first offered for sale to Veterans to be sold to such purchasers in such quantities, and on such terms, and at such prices and rates of interest, and under such rules and regulations as are now provided by law or as may hereafter be provided by law, providing for an election and the issuance of a proclamation therefor.

S. B. No. 214, A bill to be entitled "An Act to amend Subsec. D (1), (2) and (3) of Art. 2.29 of the Texas Business Corp. Act, as amended, Acts 1957, 55th Leg., R. S., Ch. 54, Sec. 4A, providing for cumulative voting by shareholders for the election of directors unless prohibited by the articles of incorporation; providing that no amendment of the articles of incorporation prohibiting the right of cumulative voting shall be effective unless at least 70% of the outstanding shares of each class of stock entitled to vote thereon shall have



been voted for such amendment; providing for written notice by shareholder who intends to cumulate his votes to the secretary of the corporation on or before the day preceding the election at which such shareholder intends to cumulate his votes; and declaring an emergency."

(With amendment.)

S. B. No. 435, A bill to be entitled "An Act to validate annexation proceedings of Home Rule cities where such annexation took place prior to the 1st day of March, 1961, and validating all proceedings and contracts and the exercise of dominion and governmental functions over such annexed territory; and declaring an emergency."

(With amendment.)

S. J. R. No. 22, Proposing an amendment to Article 9, of the Constitution of the State of Texas, by adding a new Section thereto to be known and described as Section 6, providing that the Legislature may authorize the creation of a hospital district co-extensive with the limits of Ochiltree County, Texas, authorizing the levying and rates of taxes; providing for the acquisition of land and properties for hospital uses, as well as the maintenance and operation of the same; and authorizing the issuance of tax bonds for the purpose of the purchase, construction, acquisition, repair, or renovation of improvements; and further providing that any enabling acts shall not be invalid because of their anticipatory character.

(With Amendment.)

S. J. R. No. 12, Proposing an amendment to the Constitution so as to provide that state employees may be employed in an advisory capacity or appointed to serve as a consultant or on an advisory committee, and may receive reimbursement of expenses therefor, with other agencies of this state, or any political subdivision thereof, and of the Federal Government, with the approval of the administrative head of the state department or agency or the governing board of the institution in which such employee is employed and provided there is no conflict of interest.

(With amendment.)

S B No. 96, An act amending Section 1 of chapter 387, Acts of the 55th

Legislature, Regular Session, 1957, codified as Article 3.62-1, Insurance Code, Vernon's Texas Civil Statutes, so as to include state-wide mutual assessment companies as being subject to penalties for delay in payment of losses on policies; and declaring an emergency.

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### Reports of Standing Committees

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,  
May 17, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 912, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senator Parkhouse by unanimous consent submitted the following reports:

Austin, Texas,  
May 17, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred H. B. No. 630, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Austin, Texas,  
May 17, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred H. B. No. 702, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

House Bill 630 Ordered Not Printed

On motion of Senator Kazen and by unanimous consent H. B. No. 630 was ordered not printed.

**House Bill 702 Ordered Not Printed**

On motion of Senator Kazen and by unanimous consent H. B. No. 702 was ordered not printed.

(Senator Parkhouse in the Chair.)

**Presentation of Guest**

On motion of Senator Aikin and by unanimous consent, Federal Judge R. E. Thomason of El Paso was invited to the President's Rostrum. The Presiding Officer presented Senator Owen and he introduced Judge Thomason to the Senate.

Judge Thomason addressed the Senate recalling some of his experiences in public office as a Member of Legislature, Member of Congress and now as a Federal Judge. He expressed appreciation to the Senate for the courtesy and honor bestowed upon him.

(President in the Chair.)

**House Bill 349 on Second Reading**

The Senate resumed the consideration of the pending business, same being H. B. No. 349 on its second reading with an amendment by Senator Kazen and an amendment by Senator Fuller to the amendment by Senator Kazen pending.

Question—Shall the amendment by Senator Fuller to the pending amendment by Senator Kazen be adopted?

(Pending discussion by Senator Fuller of his amendment, Senator Aikin occupied the Chair.)

Question—Shall the amendment by Senator Fuller to the pending amendment by Senator Kazen be adopted?

(President in the Chair.)

**Motion to Recess**

Senator Hardeman moved that the Senate stand recessed until 10:30 o'clock a.m. tomorrow.

Question on the motion to recess, yeas and nays were demanded.

The motion to recess was lost by the following vote:

Yeas—11

Aikin	Hardeman
Calhoun	Hazlewood
Creighton	Parkhouse
Fuller	Ratliff

Reagan  
Secrest

Willis

Nays—17

Baker	Moffett
Colson	Moore
Dies	Owen
Gonzalez	Patman
Herring	Roberts
Hudson	Rogers
Kazen	Schwartz
Krueger	Smith
Martin	

Absent

Crump

Weinert

Absent—Excused

Lane

**House Bill 349 on Second Reading**

The Senate resumed the consideration of the pending business, same being H. B. No. 349 on its second reading with an amendment by Senator Kazen and an amendment by Senator Fuller to the amendment by Senator Kazen pending.

Question—Shall the amendment by Senator Fuller to the pending amendment by Senator Kazen be adopted?

(Pending further discussion by Senator Fuller of his amendment, Senator Parkhouse occupied the Chair.)

(Senator Ratliff in the Chair.)

(Pending further discussion by Senator Fuller of his amendment, Senator Parkhouse occupied the Chair.)

(Senator Reagan in the Chair.)

(President in the Chair.)

Senator Fuller by unanimous consent withdrew the pending amendment.

Senator Fuller then offered the following amendment to the bill:

Amend the Kazen amendment by striking out Section 4 thereof and substituting in lieu thereof the following:

"Sec. 4. The Senatorial Districts of the State of Texas shall hereafter be composed respectively of the following counties and each district shall be entitled to elect one Senator, to-wit:

"No. 1. Bowie, Cass, Delta, Franklin, Hopkins, Lamar, Marion, Morris, Red River, Titus.

No. 2. Gregg, Harrison, Panola, Rusk, Shelby.

No. 3. Angelina, Cherokee, Hardin, Jasper, Nacogdoches, Newton, Orange, Sabine, San Augustine, Tyler.

No. 4. Jefferson.

No. 5. Grimes, Houston, Leon, Liberty, Madison, Montgomery, Polk, San Jacinto, Trinity, Walker, Waller.

No. 6. Harris.

No. 7. Camp, Henderson, Kaufman, Smith, Upshur, Van Zandt, Wood.

No. 8. Dallas.

No. 9. Collin, Cooke, Fannin, Grayson, Hunt, Rains, Rockwall.

No. 10. Tarrant.

No. 11. Anderson, Brazos, Burleson, Falls, Freestone, Lee, Limestone, Navarro, Robertson.

No. 12. Bosque, Comanche, Coryell, Ellis, Erath, Hamilton, Hill, Hood, Johnson, Somervell.

No. 13. Bell, McLennan, Milam.

No. 14. Bastrop, Travis, Williamson.

No. 15. Austin, Colorado, DeWitt, Fayette, Lavaca, Matagorda, Washington, Wharton.

No. 16. Bandera, Brown, Burnet, Concho, Gillespie, Kerr, Kimble, Kinney, Lampasas, Llano, McCulloch, Mason, Menard, Mills, Real, San Saba, Uvalde, Zavala.

No. 17. Brazoria, Chambers, Fort Bend, Galveston.

No. 18. Aransas, Bee, Calhoun, Goliad, Jackson, Karnes, Live Oak, McMullen, Refugio, San Patricio, Victoria.

No. 19. Atascosa, Blanco, Caldwell, Comal, Frio, Gonzales, Guadalupe, Hays, Kendall, Medina, Wilson.

No. 20. Kenedy, Kleberg, Nueces, Willacy.

No. 21. Brooks, Dimmit, Duval, Jim Hogg, Jim Wells, LaSalle, Maverick, Starr, Webb, Zapata.

No. 22. Callahan, Clay, Denton, Eastland, Jack, Montague, Palo Pinto, Parker, Stephens, Wise.

No. 23. Archer, Baylor, Cottle, Foard, Hardeman, Haskell, King, Knox, Throckmorton, Wichita, Wilbarger, Young.

No. 24. Borden, Dickens, Fisher, Howard, Jones, Kent, Martin, Mitchell, Nolan, Scurry, Shackelford, Stonewall, Taylor.

No. 25. Brewster, Coke, Coleman, Crane, Crockett, Edwards, Glasscock, Irion, Jeff Davis, Pecos, Presidio, Reagan, Runnels, Schleicher, Sterling, Sutton, Terrell, Tom Green, Upton, Val Verde.

No. 26. Bexar.

No. 27. Cameron, Hidalgo.

No. 28. Andrews, Cochran, Crosby, Dawson, Gaines, Hockley, Lubbock, Lynn, Terry, Yoakum.

No. 29. Culberson, Ector, El Paso, Hudspeth, Loving, Midland, Reeves, Ward, Winkler.

No. 30. Armstrong, Bailey, Briscoe, Castro, Childress, Collingsworth, Deaf Smith, Donley, Floyd, Hale, Hall, Lamb, Motley, Parmer, Swisher.

No. 31. Carson, Dallam, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Wheeler.

On motion of Senator Fuller and by unanimous consent the reading of the amendment was dispensed with and he explained the amendment.

Question on the adoption of the amendment by Senator Fuller, Yeas and Nays were demanded.

The amendment failed of adoption by the following vote:

#### Yeas—4

Baker	Reagan
Fuller	Schwartz

#### Nays—22

Aikin	Krueger
Calhoun	Lane
Colson	Martin
Creighton	Moffett
Crump	Moore
Dies	Owen
Gonzalez	Patman
Hardeman	Ratliff
Herring	Roberts
Hudson	Rogers
Kazen	Willis

#### Absent

Hazlewood	Smith
Parkhouse	Weinert
Secrest	

The amendment by Senator Kazen as amended was then adopted.

#### Record of Vote

Senator Fuller asked to be recorded as voting "Nay" on the adoption of the above amendment.

Senator Kazen offered the following amendment to the bill:

Amend House Bill 349 by striking out all above the enacting clause and

substituting in lieu thereof the following:

A bill to be entitled an Act apportioning the State of Texas into Representative Districts; naming the Counties composing each District; providing the number of Representatives to be elected in each District; providing for returns of elections and issuance of certificates of election; making the Act effective for the elections for all Representatives from the places herein specified and described for the 58th Legislature, and continuing in effect thereafter for succeeding Legislatures; providing the Act shall not affect present membership, personnel, or Representative Districts of the 57th Legislature; and providing Special Elections for the filling of vacancies in the office of any Representative of the 57th Legislature shall be filled in the District as it now exists; apportioning the State of Texas into Senatorial Districts; naming the counties comprising each District; providing that this Act shall become effective and apply to the election of Senators of the 58th Legislature and to the election of Senators thereafter; providing that this Act shall not apply to the election of the Senators of the 57th Legislature; providing that the vacancies in the office of any Senator of the 57th Legislature shall be filled by election in the District as it now exists; providing for severability; repealing all laws in conflict herewith; and declaring an emergency.

The amendment was adopted.

The bill as amended was passed to third reading.

#### House Bill 349 on Third Reading

Senator Kazen moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 349 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Dies
Baker	Gonzalez
Calhoun	Hardeman
Colson	Herring
Creighton	Hudson
Crump	Kazen

Krueger	Ratliff
Lane	Reagan
Martin	Roberts
Moffett	Rogers
Moore	Schwartz
Owen	Willis
Patman	

Nays—1

Fuller

Absent

Hazlewood	Smith
Parkhouse	Weinert
Secrest	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed.

#### Record of Vote

Senator Fuller asked to be recorded as voting "Nay" on the final passage of H. B. No. 349.

#### Editorial Ordered Printed in Senate Journal

On motion of Senator Fuller and by unanimous consent the following editorial from The Austin American of May 19, 1961, was ordered printed in the Senate Journal:

#### CITIES SEE LONG WAIT FOR EQUAL DISTRICTING

Port Arthur Senator Jep Fuller's nine-hour speech against the Senate redistricting bill was unusual. It was a repetition of precisely the same fight by the same man 10 years ago in the same place, on the same issue. And it had the same outcome.

Sen. Fuller's effort was toward equalizing with the rest of the state his district, by removing Orange County, and leaving Jefferson County as a complete district in itself.

He had statistics on his side; but the Senate was firm against making the change.

Sen. Fuller has the largest district in the state of more than one county. Senatorial apportionment is on the basis of qualified voters. Jefferson and Orange County have 98,000 qualified voters, whereas the average for all Senate districts except the four big-city one-county districts, is 60,000.

Had Orange County been moved into Senator Martin Dies Jr.'s district, as Fuller urged, Fuller would

have been left with more than 85,000 qualified voters, or well above the average.

In his filibuster, he said 17 of the 27 multi-county districts are given in the new law fewer than the average of 60,000 voters—thus the Beaumont, Orange, Galveston and eight others, are above the average.

Senator Culp Krueger's district, which now has 32,000 qualified voters, is raised to 42,000 in the bill; but it and Senator Neveille Colson's district both remain below 45,000 voters.

Sen. Fuller, at the close of his second decennial fight for a one-county district, declared "this all gets back to the old issue of country boys against city boys." He and Senators A. R. Schwartz of Galveston and Robert W. Baker of Houston agreed that it will be at least a 10-year fight to bring up city representation to anything like par with the rural areas.

There is authority now to equalize the districts, other than the big cities. The Constitution limits a county, no matter how populous, to one senator.

Thus Senator Baker represents 392,000 qualified voters, and the Legislature can't do anything immediately about giving these voters anything like the equal representation of those in districts of 42,000 to 60,000 voters.

A constitutional amendment would be the only recourse; and under the requirements of getting a two-thirds submission vote by a Legislature that refused a majority vote for thoroughgoing equalization this time, that cannot be expected in the foreseeable future.

One defensive argument was made for the meagre readjustment in the present Senate districting bill—it does not throw any two senators into the same district. The more general House redistricting plan had several such conflict.

Under absolute equalization, Harris County would have five senators; Dallas, three, San Antonio, two or three, and Fort Worth, two. Jefferson and El Paso Counties would become one-county districts. This would mean that the 248 other counties would have 16 or 17 senators, and thus the districts would in most cases be more than doubled in area and number of counties.

The present constitution gives the big cities some additional House members, but limits them far below the number averaging out on state population generally. That is something

else that has only remote possibility of readjustment by constitutional change.

#### Welcome Resolutions

S. R. No. 492—By Senator Aikin: Extending welcome to students and teachers of Detroit High School.

S. R. No. 493—By Senator Moffett: Extending welcome to students and teachers of Guthrie High School.

S. R. No. 494—By Senator Schwartz: Extending welcome to Mr. and Mrs. John Castaneda and nephew.

S. R. No. 495—By Senator Gonzalez: Extending welcome to students, teachers and sponsors of Saint Pius X School.

S. R. No. 496—By Senator Herring: Extending welcome to students and teachers of Coupland Elementary School.

S. R. No. 497—By Senator Herring: Extending welcome to students, teachers and sponsors of Round Rock Elementary School.

S. R. No. 498—By Senator Gonzalez: Extending welcome to students, teachers and sponsors of Espada Mission School of San Antonio.

S. R. No. 499—By Senator Aikin: Extending welcome to students, superintendent and teacher of senior class of West Lamar.

#### Adjournment

On motion of Senator Hardeman the Senate at 11:46 o'clock p.m. adjourned until 11:00 o'clock a.m. tomorrow.

#### SIXTY-SEVENTH DAY

(Thursday, May 18, 1961)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Fuller
Baker	Gonzalez
Calhoun	Hardeman
Colson	Hazlewood
Creighton	Herring
Crump	Hudson
Dies	Kazen